

AMENDED IN SENATE MAY 13, 2003

SENATE BILL

No. 181

Introduced by Senator Machado

February 12, 2003

An act to amend Section 116287 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 181, as amended, Machado. Drinking water: requirements: notice.

Existing law, commonly referred to as the California Safe Drinking Water Act, prohibits certain water districts, as defined, from being considered to be a public water system if the State Department of Health Services makes a prescribed determination. Existing law requires the department, for purposes of the above provisions under which determinations are made regarding whether a system or water district is a public water system, to place certain requirements on affected water systems, utilize certain criteria in making determinations, and monitor and review certain conditions of a water system or water district periodically. Existing law authorizes the department to prescribe reasonable, feasible, and cost-effective actions to be taken by water systems, water districts, and users subject to these provisions.

This bill would provide that a notice that states the requirements and actions prescribed by the department under the above provisions, describes the real property to which these requirements and actions apply, and names the record owners of that real property, may be recorded by the affected public water system or water district in the county where the real property is located. It would specify that recordation would provide constructive notice of these requirements

and actions. *The bill would also require a water district subject to the above provisions to annually publish a notice in a newspaper of general circulation describing any requirements and actions prescribed by the department to be taken by the water district and any record of compliance by the water district with these requirements and actions.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 116287 of the Health and Safety Code
2 is amended to read:

3 116287. (a) The department, in implementing subdivision (s)
4 of Section 116275 and Section 116286, shall place requirements
5 on affected public water systems and water districts that are
6 consistent with this chapter and the guidelines established by the
7 United States Environmental Protection Agency for implementing
8 comparable provisions of the federal Safe Drinking Water Act of
9 1996.

10 (b) The department, in making the determinations specified in
11 paragraphs (2) and (3) of subdivision (s) of Section 116275 and
12 subdivisions (a) and (b) of Section 116286, shall utilize criteria
13 that are consistent with this chapter and those used by the United
14 States Environmental Protection Agency in administering the
15 comparable provisions of the federal Safe Drinking Water Act.

16 (c) The department shall periodically monitor and review the
17 conditions under which a public water system, or a water district
18 as defined in subdivision (b) of Section 116286, has met the
19 requirements of this chapter pursuant to subdivision (s) of Section
20 116275 or Section 116286, or pursuant to the federal act, to ensure
21 that the conditions continue to be met.

22 (d) The department may prescribe reasonable, feasible, and
23 cost-effective actions to be taken by a public water system, water
24 district, as defined in subdivision (b) of Section 116286, or users
25 subject to subdivision (s) of Section 126275 or Section 116286 to
26 ensure that alternative water or treated water provided by the water
27 systems, water districts, or users pursuant to Section 116275 or
28 116286 will not be injurious to health.

29 (e) A notice that states the requirements and actions prescribed
30 by the department under subdivisions (a) and (d), describes the real



1 property to which these requirements and actions apply, and names
2 the record owners of that real property, may be recorded by the
3 affected public water system or water district in the county where
4 the real property is located. Recordation shall provide constructive
5 notice of these requirements and actions.

6 *(f) A water district subject to this section shall annually publish*
7 *a notice in a newspaper of general circulation describing any*
8 *requirements and actions prescribed by the department to be taken*
9 *by the water district and any record of compliance by the water*
10 *district with these requirements and actions.*

11 *(g) This section shall not relieve a water district from*
12 *complying with any other provisions of law.*

